

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF GLOBAL TOWER ASSETS, LLC)
AND NEW CINGULAR WIRELESS PCS, LLC FOR)
ISSUANCE OF CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT) CASE NO.
A WIRELESS COMMUNICATIONS FACILITY AT) 2011-00354
5730 ROCKWOOD DRIVE, CATLETTSBURG, BOYD)
COUNTY, KENTUCKY)

O R D E R

On September 1, 2011, Global Tower Assets, LLC and New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (collectively "Applicants") filed an application seeking a Certificate of Public Convenience and Necessity ("CPCN") to construct and operate a wireless telecommunications facility. The proposed facility consists of a monopole antenna tower not to exceed 199 feet in height, with attached antenna, to be located at 5730 Rockwood Drive, Catlettsburg, Boyd County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 37' 59.17" by West Longitude 82° 54' 26.37".

The Applicants have provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the information contained in the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicants have notified the County Judge/Executive of the proposed construction. The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited

comments and informed the recipients of their right to request intervention. On October 24, 2011, Carol and Dan Turley filed with the Commission several documents seemingly objecting to the building of the proposed tower. The objections centered around two concerns: (1) health concerns because of electromagnetic emissions from the tower; and (2) the Turleys argue that their property is better suited for the location of the tower due to service and safety concerns.

Unfortunately, the Turleys referenced the wrong case number on their filings with the Commission. Rather than objecting to the CPCN application in Case No. 2011-00354, a review of the filings reveals that the Turley's intended to object to a CPCN application in Case No. 2011-00353,¹ which the Commission approved by Order on October 5, 2011. Accordingly, there is no reason to treat the comments as a motion for intervention or other objection to this application.²

The Applicants have filed evidence of determinations from the Federal Aviation Administration and the Kentucky Airport Zoning Commission indicating that approval for the construction and operation of the proposed facility was not required.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that a facility is necessary to provide adequate utility service and that, therefore, a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

¹ Case No. 2011-00353, Application of Global Tower Assets, LLC and New Cingular Wireless PCS, LLC for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility at Grays Branch Road, South Shore, Greenup County, Kentucky, (KY. PSC Oct. 5, 2011.)

² Furthermore, because the Turley's filing was not made until several weeks after the Commission's Final Order in Case No. 2011-00353, the Commission can not act upon the Turley's filing in that case.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, the Applicants should notify the Commission if they do not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by the Applicants.

IT IS THEREFORE ORDERED that:

1. The Applicants are granted a CPCN to construct a wireless telecommunications facility. The proposed facility consists of a monopole antenna tower not to exceed 199 feet in height, with attached antenna, and is to be located at 5730 Rockwood Drive, Catlettsburg, Boyd County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 37' 59.17" by West Longitude 82° 54' 26.37".

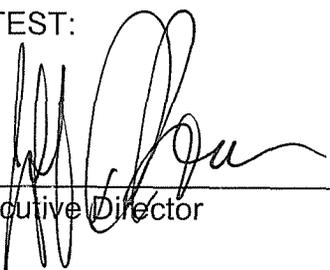
2. The Applicants shall immediately notify the Commission in writing if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of three months in the manner authorized by this Order.

3. Any documents filed in the future pursuant to ordering paragraph two herein shall reference this case number and shall be retained in the utilities' general correspondence files.

By the Commission

ENTERED ²¹
DEC 21 2011
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Honorable W. Brent Rice
Attorney At Law
McBrayer, McGinnis, Leslie and Kirkland, PLLC
201 East Main Street
Suite 1000
Lexington, KENTUCKY 40507

Tony A Taylor
Executive Director - Regulatory
New Cingular Wireless PCS, LLC dba AT&T
601 W. Chestnut Street
4th Floor East
Louisville, KY 40203